

Remarks

1. Summary of Office Action

In the final Office Action mailed February 6, 2008, the Examiner withdrew the objections with respect to the drawings and specification. Additionally, the Examiner rejected claims 21-26 under 35 U.S.C. § 101 as directed to non-statutory subject matter, the Examiner rejected claims 1-6, 8, 10, 14, and 21-26 under 35 U.S.C. § 103(a) as being as being obvious over a combination of U.S. Patent No. 6,282,176 (hereinafter “Hemkumar”) and page 14 of Applicant’s remarks filed on December 26, 2007 (hereinafter “remarks page 14”), and the Examiner rejected: claims 15-20 under 35 U.S.C. § 103(a) as being obvious over a combination of Hemkumar, U.S. Patent Application Pub. No. 2004/0078104 (hereinafter “Nguyen”), and U.S. Patent No. 6,891,954 (hereinafter “Takahashi”), claim 7 under 35 U.S.C. § 103(a) as being obvious over a combination of Hemkumar and Takahashi, claims 11 and 12 under 35 U.S.C. § 103(a) as being obvious over a combination of Hemkumar, remarks page 14, and Nguyen, and claim 13 under 35 U.S.C. § 103(a) as being obvious over a combination of Hemkumar, remarks page 14, Nguyen, and Patent No. 6,122, 506 (hereinafter “Lau”).

2. Allowable Subject Matter

The Examiner indicated that claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. Amendments to the Claims

Applicants have canceled claims 6, 9, and 21-26. Applicants have also amended claims 1, 2, 4, 5, 7, 10, 15, and 17 to recite the invention more particularly, as supported

by Applicants' specification (*see, e.g.*, paragraphs 0032-0041 and 0052-0065, and Figures 4 and 6). Further, Applicants have added new claim 27.

As now amended, each of independent claims 1, 4, 10, and 15 incorporates subject matter recited in claim 9 (now canceled) that the Examiner indicated as being allowable if rewritten in independent form. Each of the dependent claims depends from claim 1, 4, 10, or 15, and therefore, by virtue of this dependence, includes all of the limitations of a respective independent claim.

Presently pending in this application are claims 1-5, 7, 8, 10-20, and 27, of which claims 1, 4, 10, and 15 are independent and the remainder are dependent.

4. Response to §101 Claim Rejections

Applicants have canceled claims 21-26, thus rendering the §101 rejections of these claims moot.

5. Response to §103 Claim Rejections

1. As noted above, the Examiner rejected claims 1-8 and 10-26 on grounds of obviousness over various cited art (*see* "Summary of the Office Action" above for details). Claims 6 and 21-26 have been canceled, thus rendering the rejections of these claims moot.

Further, as noted above, Applicants have amended each of independent claims 1, 4, 10, and 15 to include subject matter recited in claim 9 found to be allowable by the Examiner.

For example, amended independent claim 1 now recites an echo canceler circuit comprising: (i) an uplink data attenuator operative to receive at least post-echo canceler uplink data and uplink echo return loss based attenuation data and in response to

attenuate the post-echo canceler uplink data to produce attenuated uplink data; and (ii) an echo return loss based attenuation data generator operatively coupled to the uplink data attenuator and operative to produce the uplink echo return loss based attenuation data in response to instantaneous echo return loss data, *wherein the instantaneous echo return loss data is based on at least attenuated downlink data and pre-echo canceler uplink data, and wherein the echo return loss based attenuation data generator updates failsafe echo return loss data based on the instantaneous echo return loss data and updates standard echo return loss data based on the instantaneous echo return loss data when not in a double talk mode, wherein the echo return loss based attenuation data generator produces at least the uplink echo return loss based attenuation data based on (a) the standard echo return loss data when the echo return loss based attenuation data generator determines that at least one of: the standard echo return loss data and the failsafe echo return loss data indicates no problematic acoustic coupling channel, and (b) the failsafe echo return loss data when the echo return loss based attenuation data generator determines that at least one of: the standard echo return loss data and the failsafe echo return loss data indicates a problematic acoustic coupling channel.* (Emphasis added). (Independent claims 10 and 15 each recite similar limitations).

Similarly, amended independent claim 4 now recites an echo canceler circuit comprising: (i) an uplink data attenuator operative to receive post-echo canceler uplink data and uplink echo return loss based attenuation data and in response to attenuate the post-echo canceler uplink data to produce attenuated uplink data; (ii) a downlink data attenuator operative to receive downlink data and downlink echo return loss based attenuation data and in response to attenuate the downlink data to produce attenuated

downlink data; and (iii) an echo return loss based attenuation data generator operatively coupled to the uplink data attenuator and the downlink data attenuator and operative to produce the uplink echo return loss based attenuation data and the downlink echo return loss based attenuation data in response to instantaneous echo return loss data *wherein the instantaneous echo return loss data is based on at least attenuated downlink data and pre-echo canceler uplink data, and wherein the echo return loss based attenuation data generator updates failsafe echo return loss data based on the instantaneous echo return loss data and updates standard echo return loss data based on the instantaneous echo return loss data when not in a double talk mode, wherein the echo return loss based attenuation data generator produces the uplink echo return loss based attenuation data and the downlink echo return loss based attenuation data based on (a) the standard echo return loss data when the echo return loss based attenuation data generator determines that at least one of: the standard echo return loss data and the failsafe echo return loss data indicates no problematic acoustic coupling channel, and (b) the failsafe echo return loss data when the echo return loss based attenuation data generator determines that at least one of: the standard echo return loss data and the failsafe echo return loss data indicates a problematic acoustic coupling channel.* (Emphasis added).

To the extent relevant, the primary Hemkumar reference relates to an echo suppressor circuit that selectively attenuates far-end and near-end signals. Hemkumar, however, separately or in combination with other cited references, does not disclose or suggest the particular limitations now claimed by Applicants and noted above. Thus, Applicants believe that each of the amended pending independent claims (and necessarily each of their dependents) is patentably distinct over the cited art.

6. Conclusion

In view of the foregoing, Applicants submit that all of the pending claims are in condition for allowance. Therefore, Applicants respectfully request favorable reconsideration and allowance of those claims.

Respectfully submitted,

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